

### **Remarks**

Claims 1-6, 9, 12, 15-41 and 43-50 were pending in this application; of these, claims 1-6, 9, 12, 15-41, 47 and 48 were withdrawn from consideration by the Examiner as directed to a non-elected invention.

By this amendment, claims **1-6, 9, 12, 15-41, 47 and 48** are canceled, without prejudice. Claims 43 and 46 are amended. Claim 43 has been amended to be directed to one of the host proteins listed in Table 1, Rab9. Claim 46 has been rewritten in independent form. Claims 69-76 are new. Support for the newly added claims can be found throughout the specification including, original claims 43, 46, 49 and 50. No new matter is added by these amendments.

After entry of this amendment, claims **43-46, 49, 50 and 69-76 are pending in the application.**

### **Restriction Requirement Withdrawn**

Applicants thank the Office for withdrawing the restriction requirement between SEQ ID NOs 118 and 119.

### **Allowable Subject Matter**

Applicants thank the Office for indicating that SEQ ID NO: 118 is free of prior art of record and that claim 46 is allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As suggested by the Office, claim 46 has been rewritten in independent form. As such, Applicants request allowance of claim 46 and claims 72 and 73 that depend therefrom.

Claim 74 has identical language as claim 46, but is directed to SEQ ID NO: 119. Applicants request allowance of this claim (and dependent claims 75 and 76) as well.

Claim Objections

Claim 43 is objected to because of referring to Table 1. In efforts solely to further prosecution, Claim 43 has been amended to be directed to Rab9, thereby rendering the pending objection moot.

Claim 46 is objected to because of depending from rejected claim 43. As stated above, claim 46 has been rewritten in independent form, thereby rendering the pending objection moot.

Rejections under 35 U.S.C. § 102(e)

Claims 43-45, 49 and 50 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by Wu *et al.* (U.S. Patent Application Publication 2003/0166870 A1; hereinafter referred to as Wu *et al.*). Applicants traverse this rejection for at least the following reasons.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Presently, the Office has failed to satisfy the criteria for an anticipation rejection as set forth by *W.L. Gore & Assocs.* because Wu *et al.* fail to teach, suggest or disclose a method of identifying a compound that decreases binding of a viral protein to a host protein and decreases viral infection in which the *host protein is a protein encoded by a Rab9 target sequence* as presently claimed. Although Applicants elected Rab9 as the viral host protein from Table 1 for examination (Restriction Requirement Response filed September 5, 2008), the Examiner has interpreted that the host protein broadly encompassed by the present claims is *any* host protein in Table 1. By this amendment, independent claim 43 has been amended to be directed to a method of identifying a compound that decreases binding of a viral protein to a host protein and decreases viral infection in which the host protein is a protein encoded by a Rab9 target sequence. Although the Office cites multiple pages within Wu *et al.* to support the pending rejection, nowhere do Wu *et al.* disclose, suggest or teach a method of identifying a compound that decreases binding of a viral protein to a Rab 9 target sequence as presently claimed. Wu *et al.* disclose methods for decreasing binding of a viral protein to a host protein that is a CCR5

chemokine receptor, *not* Rab 9 as presently claimed. Therefore, the teachings of Wu *et al.* are insufficient to establish anticipation because each and every element of the claimed invention is not revealed or noted in the reference.

In view of the above arguments, and the amendments made herewith, Applicants request withdrawal of the pending §102(e) rejection.

*Request for Examination of SEQ ID NO: 119*

In light of the presented arguments and amendments, Applicants believe that generic claim 43 is in condition for allowance. Therefore, Applicants request that the species election be withdrawn between SEQ ID NO: 118 and SEQ ID NO: 119, and that SEQ ID NO: 119 be examined.

**Conclusion**

Based on the foregoing amendments and arguments, the claims are in condition for allowance and notification to this effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at the number listed below.

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